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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/480,644	01/10/2000	Richard Allen Dunlap	CISCP118	4562
22434	7590	07/15/2005	EXAMINER	
BEYER WEAVER & THOMAS LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			SING, SIMON P	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/480,644

Applicant(s)

DUNLAP, RICHARD ALLEN

Examiner

Simon Sing

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-20, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-20, 25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-7, 10-12 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Sylvan US 5,943,055.

1.1 Regarding claims 1 and 26, Sylvan discloses a telephone in figure 1 (column 3, lines 48-65; column 4, lines 19-29). Sylvan teaches:

detecting that a menu selection from a menu on the telephone is selected, such sending an incoming call to a voice messaging system, creating a 3-way call, or put a new caller on hold (figure 9, buttons 918 and 920; column 11, lines 16-29);

creating a message (an electronic signal), based on the menu selection (button 918 or 920 is pressed) and passing the message to a menu processing object (built-in microprocessor 109 with application software) (column 4, lines 25-29);

upon receiving the message, the menu processing object creating an event (sending a message to a telephone central office for forwarding the new caller to VMS or creating a 3-way conversation) (column 11, lines 25-29);

the menu processing object determining which mode from a plurality of modes, such as directory mode 124, call log mode 129 and telephone mode 130 (column 5, lines 10-16, 24-42), is presently active in the phone (telephone mode 130 in figure 9);

and displaying an appropriate menu label set and a plane display on the display monitor 110 (figures 6, 8 and 9), wherein the event is associated with a soft key 918 or 920, and the event (message for forwarding the new caller to VMS or creating a 3-way conversation) is inherently ^{F.T.} processed by a telephone central office, and

wherein, while the plane display is being changed, the soft key is deactivated (buttons 918 and 920 are deactivated (disappeared) when figure 9 is being changed to figure 8.

1.2 Regarding claim 2, the built-in microprocessor 109 inherently detects a selection.

1.3 Regarding claim 3, as discussed in claim 1, the microprocessor 109 a built-in of display 104 (column 4, lines 25-29).

1.4 Regarding claims 4 and 5, Sylvan teaches changing menu labels, such as when a number in figure 8 is dialed, the menu label is changed to telephone mode similar to figure 9.

1.5 Regarding claim 6, as discussed in claim 1, the built-in microprocessor 109 creates the message for forwarding the new caller or making a 3-way telephone conversation.

1.6 Regarding claim 7, Sylvan teaches selecting a number to dial from a line in a display window 1214 (figure 12, column 12, lines 63-65).

1.7 Regarding claim 10, Sylvan teaches dialing a selected number, such as in figure 8 or 12, the built-in microprocessor 109 inherently sends a signal (stimulus message) to a DTMF tone generator (line processing object) for generating dialing digits.

1.8 Regarding claim 11, Sylvan teaches overlaying a first display plane by a second display plane (from figure 8 to figure 9).

1.9 Regarding claim 12, Sylvan teaches a directory mode 124, a telephone (service) mode 130 and a message mode 114 (figures 2, 6 and 9; column 5, lines 10-16, 32-42; column 4, lines 53-56), and it is inherent that a display has contrast and brightness adjustment (setting mode).

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2. Claims 13-20 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Macaulay et al. US 6,226,512.

2.1 Regarding claims 13 and 25, Macaulay teaches displaying a soft key label set on a portable telephone 100 which has a display. Macaulay teaches:

storing a plurality of soft key label sets, wherein a soft key label set has an application in a particular context and includes a plurality of text strings, such as a first soft key label set of "INFO", "ANSWER" and "QUIT", with an application to acquire caller's information, to answer an incoming call, and to quit the current data communication session (column 7, lines 22-35);

retrieving a second set of soft key label, based on a particular context, such as ANSWER from a companion application toolkit server 218 (call manager object), which resides outside the portable telephone (column 7, lines 59-67; column 8, lines 1-13);

displaying the second set of soft key label set on the display, such that each text string (INFO or IGNORE) corresponds to a physical button on the portable telephone (column 8, lines 5-13); and

wherein, when the text strings are being changed from the first soft key label set to the second soft key label set, the first soft key label set is deactivated (disappeared) (note: the soft key label set comprises text strings, and when the text strings are being changed, so are the soft key label set).

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2.2 Regarding claim 14, Macaulay teaches an index (WAU_SK_CENTER) is invoked by a display line handler (CAT) and a call plane object (CAT) (column 7, lines 59-64).

2.3 Regarding claim 15, Macaulay teaches masking out ANSWER in the display while displaying the second soft key label set (column 8, lines 1-13).

2.4 Regarding claim 16, Macaulay teaches storing a plurality of soft key label sets, such the first and the second soft key label sets.

2.5 Regarding claim 17, Macaulay teaches a value for index is determined based on a particular context, such as ANSWER.

2.6 Regarding claim 18, Macaulay teaches validating a text string in the second soft key label set by masking (blanking) out "ANSWER" (column 8, lines 5-13).

2.7 Regarding claim 19, Macaulay teaches determining if the portable telephone in already in a data communication session (column 7, lines 3-17).

2.8 Regarding claim 20, Macaulay teaches determining the reason for an unsuccessful data session (column 7, lines 3-17).

3. Claims 13 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Chewning III et al. US 5,416,831.

Chewning discloses an ADSI compatible telephone 14 for communicating with a service node in figures 1 and 12 (column 3, lines 20-67; column 4, lines 1-5, 16-22; column 21, lines 22-38). Chewning teaches:

storing a plurality of soft key label sets wherein a set key label set has a particular context (functions), includes a plurality of text strings and retrieving a soft key label set based on the particular context from a call manger object (application based on a service node), and displaying the soft key label on the telephone (column 3, lines 51-64, column 4, lines 16-22; column 6, lines 24-31, 51-66; column 7, lines 24-41). When the text strings of soft key labels are being changed from figures 32E to 31A, such as when the MAINMNU soft key in figure 32E is pressed, the soft key label set in 32E is deactivated (disappeared, or being changed) (column 28, lines 23-38).

Response to Arguments

4. Applicant's arguments with respect to claims 1-7, 10-12 and 26 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's arguments filed on 04/25/2005 have been fully considered but they are not persuasive.

The applicant argues that when a display is being changed the soft key is deactivated (see paragraph 2 on page 8 of the Remark), and Macaulay and Chewing fail to teach this claimed limitation. However, the independent claims 13 and 25, the applicant claims that when the text strings (display) are being changed, the soft key label set (comprises the text strings) is deactivated. Since the soft key label set is the collection of text strings (or the collection of text strings is the soft key label set), it is inherent that when the text strings are being changed, the soft key label set is also being changed, or deactivated.

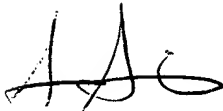
Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

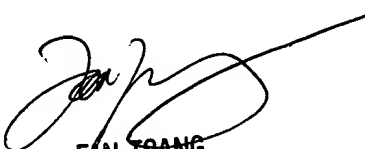
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7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 (571-273-8300 after 7/15/2005). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.



S. Sing

07/08/2005



FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600